

1                                   A bill to be entitled  
 2           An act relating to vessels; amending s. 327.02, F.S.;  
 3           defining "effective means of propulsion for safe  
 4           navigation" and revising the definition of "live-  
 5           aboard vessel"; amending s. 327.391, F.S.; making a  
 6           conforming change; amending s. 327.4107, F.S.;  
 7           providing an additional condition for a vessel at risk  
 8           of becoming derelict on waters of this state; amending  
 9           s. 327.4108, F.S.; removing the expiration date for  
 10          the section; creating s. 327.4109, F.S.; prohibiting  
 11          anchoring or mooring of vessels or floating structures  
 12          in certain areas; providing exceptions for certain  
 13          conditions; providing exceptions for certain vessels;  
 14          providing penalties; amending s. 327.60, F.S.;  
 15          authorizing a local government to enact and enforce  
 16          regulations related to proof of pumpout in certain  
 17          areas; requiring the Fish and Wildlife Conservation  
 18          Commission to review such regulations; amending s.  
 19          327.70, F.S.; providing for issuance of uniform  
 20          boating citations; amending s. 327.73, F.S.; providing  
 21          penalties; amending s. 328.72, F.S.; providing  
 22          penalties; providing an effective date.

23  
 24   Be It Enacted by the Legislature of the State of Florida:  
 25

26 Section 1. Subsections (11), (12), (13), (14), (15), (16),  
 27 (17), (18), (20), (21), (22), (23), (24), (25), (26), (27),  
 28 (28), (29), (30), (31), (32), (33), (34), (35), (36), (37),  
 29 (38), (39), (40), (41), (42), (43), and (44) of section 327.02,  
 30 Florida Statutes, are renumbered as subsections (12), (13),  
 31 (14), (15), (16), (17), (18), (19), (21), (22), (23), (24),  
 32 (25), (26), (27), (28), (29), (30), (31), (32), (33), (34),  
 33 (35), (36), (37), (38), (39), (40), (41), (42), (43), (44), and  
 34 (45), respectively, subsection (11) is added to that section,  
 35 and subsection (19) is renumbered as subsection (20) and amended  
 36 to read:

37 327.02 Definitions.—As used in this chapter and in chapter  
 38 328, unless the context clearly requires a different meaning,  
 39 the term:

40 (11) "Effective means of propulsion for safe navigation"  
 41 means the vessel is equipped with:

- 42 (a) A functioning motor, controls, and steering system; or
- 43 (b) Rigging and sail(s) that are present and in good  
 44 working order, and a functioning steering system.

45 (20)-(19) "Live-aboard vessel" means:

- 46 (a) A vessel used solely as a residence and not for  
 47 navigation;
- 48 (b) A vessel represented as a place of business or a  
 49 professional or other commercial enterprise; ~~or~~
- 50 (c) A vessel for which a declaration of domicile has been

51 | filed pursuant to s. 222.17; or

52 |       (d) A vessel as described in paragraphs (a) or (b) which  
 53 | does not have an effective means of propulsion for safe  
 54 | navigation.

55 |  
 56 | A commercial fishing boat is expressly excluded from the term  
 57 | "live-aboard vessel."

58 |       Section 2. Subsection (1) of section 327.391, Florida  
 59 | Statutes, is amended to read:

60 |       327.391 Airboats regulated.—

61 |       (1) The exhaust of every internal combustion engine used  
 62 | on any airboat operated on the waters of this state shall be  
 63 | provided with an automotive-style factory muffler, underwater  
 64 | exhaust, or other manufactured device capable of adequately  
 65 | muffling the sound of the exhaust of the engine as described in  
 66 | s. 327.02 (28) ~~(27)~~. The use of cutouts or flex pipe as the sole  
 67 | source of muffling is prohibited, except as provided in  
 68 | subsection (4). Any person who violates this subsection commits  
 69 | a noncriminal infraction punishable as provided in s. 327.73(1).

70 |       Section 3. Paragraph (e) is added to subsection (2) of  
 71 | section 327.4107, Florida Statutes, to read:

72 |       327.4107 Vessels at risk of becoming derelict on waters of  
 73 | this state.—

74 |       (2) An officer of the commission or of a law enforcement  
 75 | agency specified in s. 327.70 may determine that a vessel is at

76 risk of becoming derelict if any of the following conditions  
 77 exist:

78 (e) The owner or operator of a vessel receives notice from  
 79 an officer that the vessel does not have an effective means of  
 80 propulsion for safe navigation and after 72 hours of  
 81 notification by the officer, the vessel still does not have an  
 82 effective means of propulsion for safe navigation.

83 Section 4. Subsection (7) of section 327.4108, Florida  
 84 Statutes, is amended to read:

85 327.4108 Anchoring of vessels in anchoring limitation  
 86 areas.-

87 ~~(7) This section expires upon the Legislature's adoption~~  
 88 ~~of the commission's recommendations for the regulation of~~  
 89 ~~mooring vessels outside of public mooring fields pursuant to s.~~  
 90 ~~327.4105.~~

91 Section 5. Section 327.4109, Florida Statutes, is created  
 92 to read:

93 327.4109 Anchoring or mooring prohibited; exceptions;  
 94 penalties.-

95 (1) A vessel or floating structure may not anchor or moor:

96 (a) Within 150 feet of any marina, boat ramp, or other  
 97 vessel launching or loading facility; or

98 (b) Within 300 feet of public mooring field boundaries.

99 (2) Notwithstanding subsection (1), an owner or operator  
 100 of a vessel may anchor or moor within 150 feet of any marina,

101 boat ramp, or other vessel launching or loading facility or  
 102 within 300 feet of public mooring field boundaries:

103 (a) If the vessel suffers a mechanical failure that poses  
 104 an unreasonable risk of harm to the vessel or the persons  
 105 onboard unless the vessel anchors or moors. The vessel may  
 106 anchor or moor for 3 business days or until the vessel is  
 107 repaired, whichever occurs first.

108 (b) If imminent or existing weather in the vicinity of the  
 109 vessel poses an unreasonable risk of harm to the vessel or the  
 110 persons onboard unless the vessel anchors or moors. The vessel  
 111 may anchor or moor until weather conditions no longer pose such  
 112 risk. During a hurricane or tropical storm, weather conditions  
 113 are deemed to no longer pose an unreasonable risk of harm when  
 114 the hurricane or tropical storm warning affecting the area has  
 115 expired.

116 (3) Subsection (1) does not apply to:

117 (a) Vessels owned or operated by a governmental entity.

118 (b) Construction or dredging vessels on an active job  
 119 site.

120 (c) Vessels actively engaged in commercial fishing.

121 (d) Vessels engaged in recreational fishing and the  
 122 persons onboard are actively tending hook and line fishing gear  
 123 or nets.

124 (4) A vessel or floating structure may not anchor, moor,  
 125 tie, or otherwise affix to an unpermitted, unauthorized, or

126 otherwise unlawful object that is on or affixed to the bottom of  
 127 waters of this state. This subsection does not apply to a  
 128 private mooring lawfully owned on private submerged lands.

129 (5) A violation of this section is:

130 (a) For a first violation, a noncriminal infraction  
 131 punishable as provided in s. 327.73; and

132 (b) For a second or subsequent violation, a misdemeanor of  
 133 the second degree punishable as provided in s. 775.082 or s.  
 134 775.083.

135 Section 6. Paragraph (b) and (f) of subsection (2) of  
 136 section 327.60, Florida Statutes, is amended, and subsection (4)  
 137 is added to the same section to read:

138 327.60 Local regulations; limitations.—

139 (2) Nothing in this chapter or chapter 328 shall be  
 140 construed to prevent the adoption of any ordinance or local  
 141 regulation relating to operation of vessels, except that a  
 142 county or municipality shall not enact, continue in effect, or  
 143 enforce any ordinance or local regulation:

144 (b) Relating to the design, manufacture, or installation,  
 145 ~~or use~~ of any marine sanitation device on any vessel, except as  
 146 authorized in subsection (4);

147 (f) Regulating the anchoring of vessels ~~other than live-~~  
 148 ~~aboard vessels~~ outside the marked boundaries of mooring fields  
 149 permitted as provided in s. 327.40, other than live-aboard  
 150 vessels;

151 (4) (a) A local government may enact and enforce  
 152 regulations requiring owners or operators of vessels or floating  
 153 structures subject to the marine sanitation requirements of s.  
 154 327.53 to provide proof of properly disposed of sewage by means  
 155 of an approved sewage pumpout service, pumpout facility, or  
 156 waste reception facility within the following areas:

157 1. Marked boundaries of a permitted mooring field under  
 158 the jurisdiction of the local government; or

159 2. Designated no discharge zones, as provided under 53  
 160 F.R. § 1678 (1988), 64 F.R. 46390 (1999), and 67 F.R. § 35735  
 161 (2002).

162 (b) Before a local government may adopt an ordinance to  
 163 enact and enforce such regulations, the local government must  
 164 provide adequate pumpout services. Any ordinance adopted  
 165 pursuant to this subsection may not take effect until the  
 166 commission has reviewed the ordinance and determined the local  
 167 government provides adequate pumpout services within its  
 168 jurisdiction to protect public health and the marine  
 169 environment.

170 (c) Nothing in this subsection shall be construed to  
 171 prohibit a local government from enacting or enforcing such  
 172 pumpout requirements for live-aboard vessels within any areas of  
 173 its jurisdiction.

174 Section 7. Paragraph (d) is added to subsection (3) of  
 175 section 327.70, Florida Statutes, to read:

176 327.70 Enforcement of this chapter and chapter 328.-

177 (3)

178 (d) A noncriminal violation of s. 327.4109 may be enforced  
 179 by a uniform boating citation issued to the operator of a vessel  
 180 unlawfully anchored, moored, tied, or otherwise affixed where  
 181 such is prohibited.

182 Section 8. Paragraph (g) of subsection (1) of section  
 183 327.73, Florida Statutes, is amended, and paragraph (bb) of the  
 184 same subsection is added to read:

185 327.73 Noncriminal infractions.-

186 (1) Violations of the following provisions of the vessel  
 187 laws of this state are noncriminal infractions:

188 (g) Section 328.72(13) (a) and (b), relating to operation  
 189 with an expired registration.

190 (bb) Section 327.4109, relating to anchoring and mooring  
 191 in a prohibited area.

192  
 193 Any person cited for a violation of any provision of this  
 194 subsection shall be deemed to be charged with a noncriminal  
 195 infraction, shall be cited for such an infraction, and shall be  
 196 cited to appear before the county court. The civil penalty for  
 197 any such infraction is \$50, except as otherwise provided in this  
 198 section. Any person who fails to appear or otherwise properly  
 199 respond to a uniform boating citation shall, in addition to the  
 200 charge relating to the violation of the boating laws of this

201 state, be charged with the offense of failing to respond to such  
 202 citation and, upon conviction, be guilty of a misdemeanor of the  
 203 second degree, punishable as provided in s. 775.082 or s.  
 204 775.083. A written warning to this effect shall be provided at  
 205 the time such uniform boating citation is issued.

206 Section 9. Subsection (13) of section 328.72, Florida  
 207 Statutes, is amended to read:

208 328.72 Classification; registration; fees and charges;  
 209 surcharge; disposition of fees; fines; marine turtle stickers.-

210 (13) EXPIRED REGISTRATION.-The operation, use, or storage  
 211 on the waters of this state of a previously registered vessel is  
 212 subject to the following penalty provisions:

213 (a) The owner or operator of a vessel with an expired  
 214 registration of 6 months or less commits a noncriminal  
 215 infraction, punishable as provided in s. 327.73;

216 (b) The owner or operator of a vessel with an expired  
 217 registration of more than 6 months, upon a first offense,  
 218 commits a noncriminal infraction punishable as provided in s.  
 219 327.73;

220 (c) The owner or operator of a vessel with an expired  
 221 registration of more than 6 months, upon a second or subsequent  
 222 offense, commits a misdemeanor of the second degree punishable  
 223 as provided in s. 775.082 or s. 775.083.

224 ~~after the expiration of the registration period is a noncriminal~~  
 225 ~~violation, as defined in s. 327.73.~~

PCB NRPL 17-01

ORIGINAL

2017

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227   This subsection does not apply to vessels lawfully stored at a  
228   dock or in a marina.

229         Section 10.   This act shall take effect July 1, 2017.